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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,111	03/08/2005	Madan Pushpakath	SG 020023	9521

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

RIVERO, MINERVA

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/527,111	PUSHPAKATH ET AL.	
	Examiner	Art Unit	
	Minerva Rivero	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/31/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. In the Remarks filed 7/31/06, Applicants cancelled claims 1-7, added claims 8-14, and submitted arguments for the allowability of pending claims.

### *Response to Arguments*

2. Applicants' arguments filed 7/31/06 have been fully considered but they are not persuasive.
3. In response to Applicants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an intentional initial tilt effected by the structure of the optical disk clamping system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. Regarding claim 11, Applicants argue that Liu fails to disclose the balancing wheels contact the information medium. The Examiner cannot concur with the Applicants. Liu discloses, in Col. 2, Lines 54-68, a pair of balancing wheels made of frictional material, and a turntable including apertures for the balancing wheels, thus the

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balancing wheels contacting the information medium. Therefore claim 11 stays rejected.

5. Regarding claims 12 and 13, Applicants argue that Nakamura does not disclose additional means for applying an end load on said outer area of said information carrier for setting a predetermined height difference between said inner area and said outer area, said predetermined height difference being greater than a height difference occurring in a circular information carrier. However, this claimed subject matter is noted as being anticipated by Noda, and supplemented by Nakamura. Therefore claims 12 and 13 stay rejected.

### ***Double Patenting***

6. Applicants are advised that should claim 12 be found allowable, claim 13 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 8-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Noda *et al.* (US 2001/0004342 A1), hereinafter Noda.

9. Regarding claim 8, Noda discloses an apparatus for reading/writing information on a circular information carrier having an inner area and an outer area, said apparatus comprising:

a turntable for supporting and rotating said information carrier; and additional means for applying an end load on said outer area of said information carrier for setting a predetermined height difference between said inner area and said outer area, said predetermined height difference being greater than a height difference occurring in a circular information carrier ([0054], Lines 1- 12; [0055], Lines 3-6; see Fig. 2; see steps S4 and S5 in Fig. 5).

10. Regarding claim 9, Noda discloses the additional means comprise a cover clamped to said turntable thereby capturing said information carrier therebetween said

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turntable supporting said inner area of said information carrier, and said cover having a circular ring for contacting said outer area of said information carrier, said contact defining a contact point projecting below said inner area thereby effecting said predetermined height difference ([0053], Lines 9-10, see Fig. 2; Fig. 6, element 12).

11. Regarding claim 10, Noda discloses the additional means comprise a cover for clamping said inner area of said information carrier to said turntable, and a circular ring interdependent with said turntable, said circular ring contacting said outer area of said information carrier, said contact defining a contact point projecting above said inner area thereby effecting said predetermined height difference ([0053], Lines 9-10, see Fig. 2; Fig. 6, element 12; [0065], Lines 22-26).

12. Regarding claim 14, Noda discloses the turntable comprises a tilted inner surface for supporting said information carrier ([0054], Lines 1- 12; [0055], Lines 3-6, see Fig. 2).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noda in view of Liu (US Patent 5,040,164).

Regarding claim 11, Noda does not explicitly disclose but Liu does disclose said additional means comprise a wheel rotating freely around a shaft interdependent with said apparatus, said wheel contacting said outer area of said information carrier, said contact defining a contact point projecting below or above said inner area thereby effecting said predetermined height difference (Col. 2, Lines 54-68; see Fig. 1, element 81; see Fig. 3, element 81).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Noda and have said additional means comprise a wheel rotating freely around a shaft interdependent with said apparatus, said wheel contacting said outer area of said information carrier, said contact defining a contact point projecting below or above said inner area thereby effecting said predetermined height difference, as disclosed by Liu, in order to balance the disc.

15. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noda, in view of Nakamura *et al.* (US 6,088,203).

Regarding claims 12 and 13, Noda does not explicitly disclose but Nakamura *et al.* do disclose said apparatus comprises:

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-an optical pick-up unit intended to move along a guide shaft, said guide shaft being parallel to the radial direction of the turntable (Col. 11, Lines 46-52 and 57-64),

-an actuator fixed on said optical pick-up unit and being centered on an optical axis, said optical axis being perpendicular to the radial direction of said information carrier (Col. 11, Lines 39-44).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Noda by having an optical pick-up unit intended to move along a guide shaft, said guide shaft being parallel to the radial direction of the turntable and an actuator fixed on said optical pick-up unit and being centered on an optical axis, said optical axis being perpendicular to the radial direction of said information carrier, as taught by Nakamura *et al.*, in order to enable the optical pick-up to scan the recording medium as guided by the guide shaft, and to actuate the optical pick-up unit.

### **Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noda *et al.* (US 6,529,468) disclose an optical disk driving device.

Ackerman *et al.* (US 4,692,913) disclose a method for reading a data record carrier.



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Arase (US 6,717,904) discloses a disc driving apparatus.

Ariyoshi *et al.* (US 6,918,130) disclose an optical disk unit.

Hayashida *et al.* (US 2002/0054975) disclose an optical information medium and evaluation method including an abrasion test according to ISO 9352.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

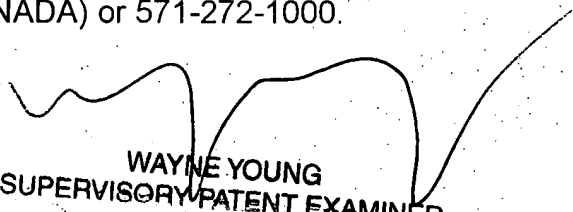
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR 10/14/06

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER